

LC letter  
1/24/00

MSA-S-1829-645

AA 14-00

VAR

Cardwell, Ronald

99-0494

RECEIVED

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MAR 2 2000

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0494-V

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IN RE: RONALD CARDWELL

THIRD ASSESSMENT DISTRICT

DATE HEARD: FEBRUARY 24, 2000

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ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: CHARLENE MORGAN

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DATE FILED: FEBRUARY 28, 2000

## **PLEADINGS**

Ronald Cardwell, the applicant, seeks a variance (1999-0494-V) to permit a dwelling addition with less setbacks than required on property located along the south side of Riverside Drive, southeast of Riverside Drive, Pasadena.

## **PUBLIC NOTIFICATION**

The case was advertised in accordance with the provisions of the County Code. Lawrence Lennon, the applicant's architect, testified that the property was posted for 14 days prior to the hearing.

## **FINDINGS AND CONCLUSIONS**

The applicant owns a single-family residence located at 8200 Riverside Drive, in the subdivision of Pinehurst on the Bay, Pasadena. The property comprises 6,825 square feet and is zoned R-1 Residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). This waterfront lot is buffer exempt. The applicant proposes to construct a 10' X 16' addition within 10 feet of the west side lot line abutting Riverside Drive. The east side yard measures 1-foot, 6-inches.

The Anne Arundel County Code, Article 28, Section 2-305(a) requires side yards at least 15 feet wide with a combined width of 40 feet, except that a corner lot shall have a side building line 40 feet from and parallel to the side street line or

right-of-way. Accordingly, the proposal necessitates a variance of 30 feet to the west side street setback and 29 feet to the combined side yard width.

Charlene Morgan, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is substandard as to area and width for the R-1 district. The side street provides access to the water and is not a through street. The applicant has modified the proposal so that the addition is no closer to the shore than the principal structure. The witness supported the application, subject to mitigation (2:1 for new impervious surfaces within the 100-foot buffer and 1:1 for new impervious surfaces outside the buffer) with the buffer as the priority location for plantings and subject to Health Department approval.

Mr. Lennon testified that the addition follows the roof line of the existing dwelling and extends only slightly beyond an existing wraparound deck. The impacted section of Riverside Drive is an unpaved beach road. Mr. Lennon concurred in the requested mitigation. There was no adverse public comment concerning the application.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to conditional relief from the code. This case satisfies the test of unique physical conditions, consisting of a small, narrow lot, such that there is no reasonable possibility of developing the lot in strict conformance with the code. I further find that the variance is the minimum necessary to afford relief. The applicant is proposing a modest addition and has revised the proposal to avoid any additional buffer impact. There was nothing to suggest that the granting of the

variance will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. As noted, although denoted a side street, Riverside Drive at this location functions as a beach access rather than a through street. The approval shall be subject to the conditions in the Order.

### **ORDER**

PURSUANT to the application of Ronald Cardwell, petitioning for a variance to permit a dwelling addition with less setbacks than required; and

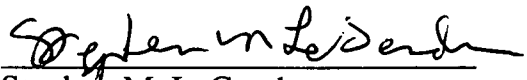
PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 28<sup>th</sup> day of February, 2000.

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance of 30 feet to the west side street setback and 29 feet to the combined side yard width to permit a 10' X 16' addition in accordance with the site plan.

The foregoing variance is subject to the following conditions:

1. The applicant shall provide mitigation for new impervious surfaces at a 2:1 ratio within the 100-foot buffer and a 1:1 ratio outside the 100-foot buffer. Plantings shall be in the buffer on a priority basis.

2. The applicants shall obtain Health Department approval at building permit.

  
Stephen M. LeGendre  
Administrative Hearing Officer

### **NOTICE TO APPLICANT**

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 974-2426 Fax: (410) 974-5338

February 22, 2000

VIA FACSIMILE

Ms. Charlene Morgan  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 1999-0494-V, Ronald D. Cardwell - REVISED PLANS

Dear Ms. Morgan:

This office is in receipt of the revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

It appears that the proposed addition (in its new location) will not impact any habitat protection areas and will be outside the Buffer as established by the existing dwelling on this BEA lot. Therefore, this office has no comment on the setback issue. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the 100-foot Buffer and at a 1:1 ratio for new impervious surfaces outside of the Buffer. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA14-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

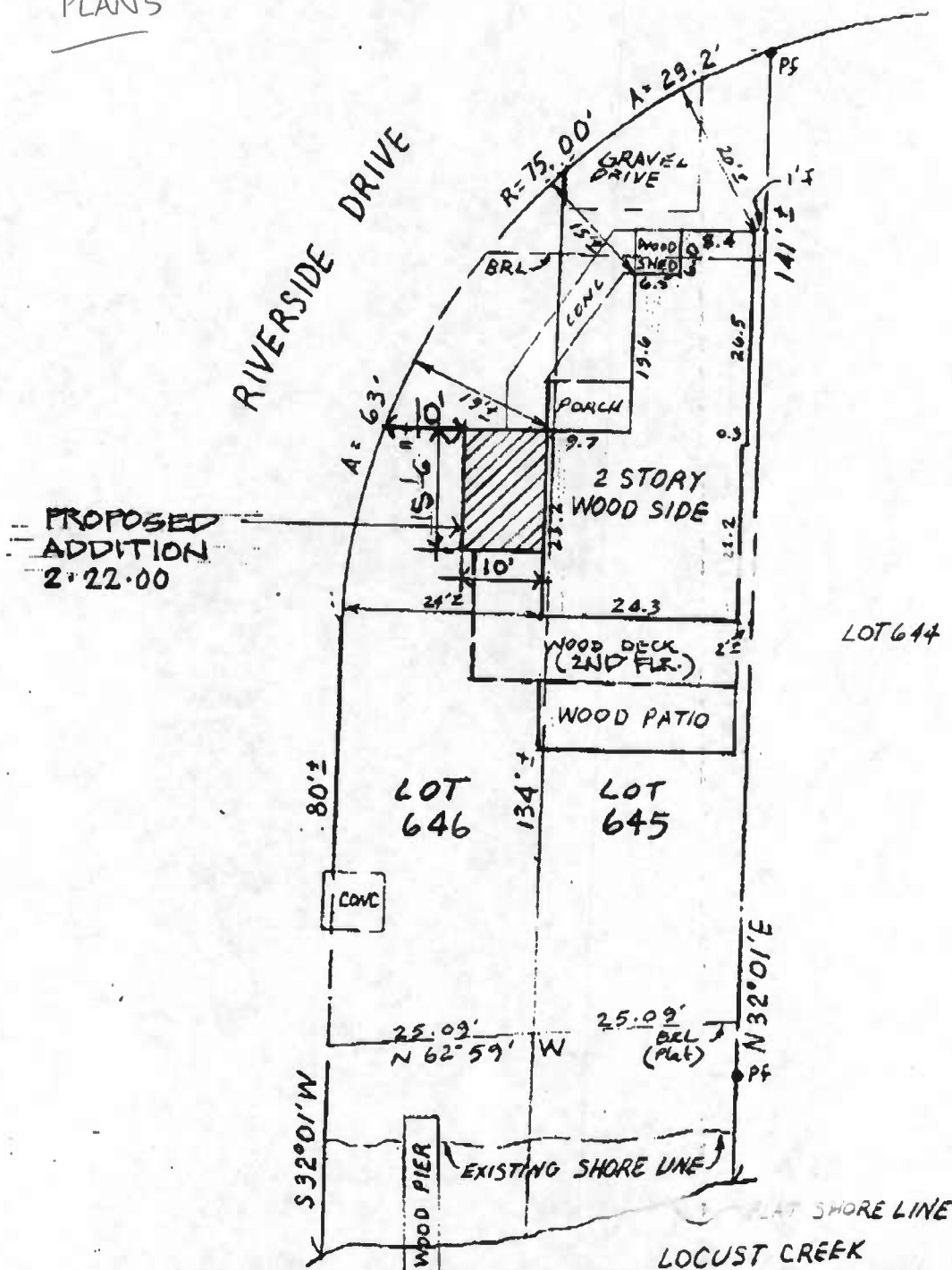
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



## IMPROVEMENTS LOCATION

as shown on FEMA Panel No: 240008 0015 C.  
Fences are approximate only, and may not be shown.  
Condominium/Townhouse locations assume that plats, deeds are  
calling for division walls (as-built) as boundaries of lots.  
Unless otherwise shown, no property pipes were found at this  
site.

REVISED  
PLANS



NOTE: This is an improvements location survey only, and cannot be relied upon as a Boundary Survey etc. No Title Report furnished. No statement made by this plat as to ownership of any property or right or interest therein. Information may have been supplied by others to produce this drawing; no responsibility whatsoever is accepted for the accuracy of such information. In case of doubt, we recommend a Boundary Survey.



DAVID M GREEN, Prop LS 311 MD

Subdiv PLAT BK. 21...PAGE: 13...

Notes & Bounds:

DEED REF:

**SURVEY ASSOCIATES OF MARYLAND INC**  
108 OLD SOLOMONS ISLAND RD, SUITE 100,  
ANNAPOLIS MD 21401. Fax (301) 266 0918

(301) 266 7211

SCALE: 1"=20'

APPROVED BY:

DRAWN BY JN

DATE: 2-16-92

REVISED

IMPROVEMENTS LOCATION:

8200 RIVERSIDE DRIVE

LOTS 645 & 646

PINEHURST ON THE BAY

PLAT A-C

3rd DISTRICT, ANNE ARUNDEL COUNTY, MD

DRAWING NUMBER

CLIENT: RONALD CARDWELL

AS 90108



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

January 21, 2000

Mr. Kevin Dooley  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 1999-0494-V, Ronald D. Cardwell


Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected, this office has no comment on the setback issue. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the 100-foot Buffer and at a 1:1 ratio for new impervious surfaces outside of the Buffer. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA14-00

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(410) 822-9047 Fax: (410) 820-5093

